



**U.S. Department of Justice**

***United States Attorney  
District of Minnesota***

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**VIA ECF**

September 20, 2018

The Honorable John R. Tunheim  
Chief United States District Judge  
300 South Fourth Street, Suite 15E  
Minneapolis, MN 55415

Re: *United States v. Ruzicka, et. al.*, 16-cr-246 (JRT/SER); *United States v. Longtain*, 17-cr-046 (JRT).

Dear Chief Judge Tunheim:

The United States respectfully requests a continuance to the forthcoming sentencing hearings for Defendants Ruzicka, Taylor, Nelson, and Longtain in the above-referenced matters. Based on input from the parties, Nelson's sentencing hearing is currently scheduled for November 13, 2018, Ruzicka and Taylor's sentencing hearings are currently scheduled for November 14, 2018, and Longtain's sentencing is currently scheduled for October 24, 2018.

On September 12, 2018, Mr. Ruzicka's counsel submitted his objections and proposed amendments to Ruzicka's Preliminary PSR. Mr. Ruzicka has raised a significant number of complex factual objections that require a review of the trial court record and other voluminous materials. Further, if they remain contested, some of these objections may require an evidentiary hearing at sentencing.

Notably, several of Ruzicka's objections and proposed amendments relate to factual averments that are stated all of the Defendants' PSRs. As a result, if Ruzicka's objections are sustained, the resulting changes to his PSR will likely require amendments to other PSRs prior to sentencing.

Accordingly, the United States submits that more time is necessary for the parties to communicate with each other and with Probation regarding these objections prior to sentencing. The United States respectfully requests that the Court continue the sentencing hearings for all of the Defendants to the week of December 17. Defense counsel for Defendants Ruzicka and Taylor join in this request. Defense counsel for Defendants Nelson and Longtain do not oppose the request.

The United States further requests that the sentencings of both cooperating Defendants, Nelson and Longtain, be continued to dates after the rescheduled sentencing hearings of Ruzicka and Taylor. Mr. Ruzicka's counsel opposes this request. However, the United States believes the interests of judicial economy would be best served by having the cooperating defendants sentenced after Mr. Ruzicka's sentencing.

First, as noted above, Mr. Ruzicka's objections may leave contested issues of fact open that will not be resolved before he is sentenced. If amendments to Ruzicka's PSR are ordered at his sentencing, it would be more efficient if those same changes could be made to Nelson and Longtain's PSRs before they are sentenced.

Second, as noted above, some of Mr. Ruzicka's objections are founded on contested interpretations of Nelson and Longtain's trial testimony. As a result, if the resolution of those objections results in credibility determinations by the Court regarding Nelson and Longtain's testimony, those credibility determinations could have an impact on any motion for a downward departure by the United States under Guidelines Section 5K1.1.

Finally, the United States submits that Nelson and Longtain should be sentenced after Ruzicka's sentence is announced so that the Court and the parties can address their cooperation and relative culpability with reference to Ruzicka's actual sentence.

Please feel free to contact me should the Court have any questions or concerns regarding this request for a continuance.

Respectfully submitted,

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United States Attorney

s/ Surya Saxena

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